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Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, on his mission to Uzbekistan from 2 to 12 October 2017. In the report, the Special Rapporteur analyses the limitations to the right to freedom of religion or belief imposed by the State on different religious communities in the name of upholding constitutional "secularism" and combating "extremism". He notes the efforts of the ongoing reform process that could address some of the challenges identified and stresses the need to move from promoting religious tolerance to religious freedom by increasing literacy with regard to both religions and freedom of religion or belief.

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Report of the Special Rapporteur on freedom of religion and belief on his mission to Uzbekistan**

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** Circulated in the language of submission and Russian only.

I. Introduction

1. The present report reflects the findings of the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, from his visit to Uzbekistan from 2 to 12 October 2017. The Special Rapporteur acknowledges the full cooperation extended to him by the Government in accommodating all his requests for meetings and granting him unimpeded access to various institutions, including Jaslyk Prison. He would like to thank the Ministry of Foreign Affairs and the National Human Rights Centre for their coordination efforts, and extends cordial thanks to the United Nations Development Programme office in Tashkent and the regional presence of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Bishkek for their support. The Special Rapporteur appreciated all the constructive meetings held with interlocutors from Government agencies, civil society organizations and religious communities in Tashkent, Fergana, Bukhara and Nukus, and at Jaslyk Prison, which gave him insight to their experience, assessments and visions. The Special Rapporteur highly appreciated the opportunity to call on President Shavkat Mirziyoyev and notes the constructive spirit with which his initial findings were received by the authorities.

2. President Mirziyoyev is leading a number of reforms in accordance with the 2017–2021 Action Strategy for the development of five priority areas, of which, area V covers religious tolerance and inter-ethnic harmony. According to the President, "human interests come first" is the principle underlying the implementation of the Action Strategy.

3. The Government has been responsive in recent engagements with the international community with regard to fulfilling its international obligations and commitments. In order to implement agreements reached during the visit of the United Nations High Commissioner for Human Rights to Uzbekistan, in May 2017, the Council of the Legislative Chamber and the Council of the Senate of the Supreme Assembly (*Oliy Majlis*) jointly approved an action plan on the development of further cooperation with OHCHR. As part of that cooperation, the invitation extended to the mandate holder on freedom of religion or belief to visit the country was a welcomed initiative.

4. During his visit, the Special Rapporteur did not merely look into restrictions on freedom of religion or belief within the national legal framework or societal structure, but also examined less visible, subtle discriminatory policies and the rights of religious minorities. He noted the State's efforts in promoting religious literacy and freedom, sought good practices in the area and assessed the State's ability to provide an inclusive space for different religions or beliefs and for everyone to freely manifest their faith in private or in public. The Special Rapporteur was also keen to assess the scope of the ongoing and professed reforms by addressing the challenges that people faced in their enjoyment of the right to freedom of religion or belief.

II. Religion before and after independence

5. Many interlocutors reiterated that Uzbekistan was still a young nation despite its history dating as far back as the first millennium B.C. From 1924 until 1991 — when Uzbekistan declared its independence — the Soviet Union implemented a policy of "State atheism" that severely restricted the manifestation of religion or belief.

6. The relationship between religion and State changed a little in post-Soviet Uzbekistan. The Muslim Board of Uzbekistan was established after the decentralization of the Spiritual Administration of the Muslims of Central Asia and Kazakhstan in 1992, however, it performs more or less the same functions as the Soviet-era board.

7. In the initial years after independence, there was a resurgence of religion in public and social life, including an influx of Salafi and Sufi missionaries. In 1992, in Namangan, a group of Salafists allegedly took control of a government building and demanded that then President, Islam Karimov, declare Uzbekistan an Islamic state and introduce the sharia system. They were unsuccessful and Salafi missionaries were expelled from the country, while the activities of Sufi missionaries were restricted.

8. New mosques were built with community donations and foreign aid and some religious schools were re-opened. Some people began to openly observe holidays, rituals and Friday prayers, while others, particularly younger Muslims, undertook religious education and adopted a religious dress code and other obligations prescribed by a more conservative interpretation of Islam. Some Muslims also started to establish their own mosques, select their own imams and adopt Islamic practices as the congregations saw fit. Such developments beyond the Government's purview were seen by the authorities as a challenge to the political order and a threat to national security. Furthermore, Islam was seen as having the potential of bringing people together to form alternative political organizations in the country.

9. From 1994 to 1995, the authorities conducted a campaign against "unofficial" Islam: men wearing beards faced harassment and arbitrary detention, while some popular independent Muslim clerics allegedly "disappeared". Following the murder of some police officers in Namangan in December 1997 — for which Islamic fundamentalists were blamed — independent mosques were closed and Islamic leaders and other practicing Muslims not affiliated with officially sanctioned Islamic institutions faced broad crackdowns. Mosques were banned from using loudspeakers, with the allegation that loud prayers constituted a public nuisance.

10. Beards and headscarves were seen as symbols of religious devotion, especially among young people, and considered a mark of their affiliation with "unofficial" Islam or political partisanship. Furthermore, veils continued to be identified with ignorance, repression and fanaticism — a legacy from Soviet times.

11. Religious materials from abroad encountered rigorous censorship and confiscation. The State-controlled media stigmatized and labelled Muslims who were strictly observant as terrorists and fanatics.

12. Today, religion remains much more alive in the villages than in the cities. The majority of Muslims (possibly over 85 per cent of the population) in Uzbekistan follow the Hanafi jurisprudence of Sunni Islam, which is characteristically non-political and introspective. Many citizens continue to follow a primarily secular path and may adopt the Muslim appellation and identity without any corresponding religious practice.

13. There are 2,242 registered religious entities, representing 16 confessions, in Uzbekistan, including 2,068 Sunni Islam groups (with mosques, educational institutions and religious centres). Among the Muslim groups are several Shia Islam congregations. Registered minority religious groups include ethnic Korean Christian, Russian Orthodox, Baptist, Pentecostal (Full Gospel), Seventh-day Adventist, Jewish, Catholic, Baha'i, Lutheran, New Apostolic, Armenian Apostolic, Jehovah's Witnesses, Krishna Consciousness, Temple of Buddha and Christian Voice of God Church communities, as well as one interconfessional Bible society.

14. Freedom of religion or belief is guaranteed by article 31 of the Constitution, but limited by article 20, which stresses that the rights and freedoms enshrined in the Constitution and exercised by a citizen shall not encroach on the "lawful interests", rights and freedoms of other citizens, the State or society. Freedom of religion or belief is also regulated by the 1998 Law on Freedom of Conscience and Religious Organizations (hereafter, the 1998 Law), the Criminal Code and the Code of Administrative Offences.

III. Secularism and religious tolerance

15. Uzbekistan considers itself a secular State as article 61 of its Constitution guarantees the separation of religious organizations and associations from the State, non-interference by the Government in the activities of religious associations and equality before the law. All religious communities — regardless of the size of their congregations — should enjoy the same range of rights and freedoms. Article 57 of the Constitution prohibits the formation of political parties on religious grounds and article 5 of the 1998 Law stresses that the State shall not entrust religious organizations with fulfilling any State functions nor shall the State finance activities of religious organizations nor activities associated with propaganda of atheism.

16. However, secularism, as understood in Uzbekistan, does not appear committed to providing space for religions or beliefs or their manifestation. Countering extremism, religious or not, and promoting intergroup tolerance and inter-ethnic harmony take priority over the right to freedom of religion or belief. Religions or beliefs serve more as a display of the cultural diversity that exists in Uzbekistan, but as soon as believers try to practise their religions or beliefs more seriously, they find themselves with limited space or rights to manoeuvre. Believers have to carefully navigate the boundaries for practising religions or beliefs or they risk stirring religious intolerance or disturbing inter-ethnic harmony. At worse, they could — often wrongly — be identified with extremism.

17. As mentioned earlier, the Government has traditionally been suspicious of the mobilizing power of religions — in particular, Islam — and considers symbols of piety as signs of dissent or ambition for political power. In the years since independence, the Government has increased its control over religions or beliefs — if not, religious discourse — by determining the parameters of "proper" belief and worship, the true national tradition and the "Uzbek way" of practicing Islam, that is, the "right way" of practising religion. The Government also distinguishes the "right" kind of believer from the "mistaken" or "dangerous" worshiper.

18. The Government maintains strict control over public manifestations of religion allegedly to "protect" the State and society. It is known, for example, that the State has full control over the selection, education and nomination of imams, which contradicts the non-interference by the State in religious affairs — the principle of article 61 of the Constitution. A mosque was reportedly unable to hold its weekly Friday prayers in the absence of the imam appointed by the Muslim Board as the local authorities insisted that only he could lead the prayers.

19. The Special Rapporteur notes that the Government's policy is not anti-religious as it reportedly was during the Soviet period. He appreciates that there are over 136 ethnic communities with different faiths living together peacefully. He also notes that interreligious relations are generally harmonious as he did not receive any reports of religiously motivated hate crimes. Many interlocutors identified the country's ethnic diversity and religious harmony as being a legacy of the melting pot of its centuries-old traditions, as Uzbekistan was a stop along the Silk Road.

20. The Special Rapporteur further notes that, although there is no legal provision on blasphemy, article 156 (2) of the Criminal Code sanctions "deliberate acts injurious [to and] denigrating citizens' feelings in respect of their religious or atheistic convictions, which are perpetrated with a view to arousing hatred, intolerance or grievances against any population group on the grounds of national origin, race, ethnic or religious affiliation" with up to five years' restriction of freedom or deprivation of liberty.

21. While religious tolerance is emphasized by both the State and religious communities, there is no genuine exchange or profound interreligious dialogue between different faiths. Exchanges are limited to cultural activities or festive celebrations, some of which are held in cultural centres that have been set up in different districts. Without any attempt to have a better or more in-depth understanding of each other's religion or beliefs, such harmony remains fragile. Anyone who does not fit in with the "traditional" or "right" religious behaviours may be seen as the source of religious or ethnic tension.

22. The Special Rapporteur reiterates that religion or belief, per se, should not be seen as a threat to Uzbekistan. He underlines the importance of a more accommodating State policy and a less restrictive understanding of secularism, whereby State institutions provide an open, inclusive space for all religions or beliefs. People should not have to automatically activate self-censorship whenever they speak of their faiths or practise their religion or beliefs in Uzbekistan.

IV. Regulation of religions

23. Details of the scope of and limitations on the exercise of the freedom of religion or belief are set out in the 1998 Law. The Law criminalizes unregistered religious activity, requires official approval of the content, production and distribution of religious publications, and prohibits proselytism and other missionary activities.

A. Registration

24. Article 8 of the 1998 Law states that religious organizations, such as religious societies, religious educational institutions, mosques, churches, synagogues, cloisters and so on are recognized as voluntary associations of citizens, established for the purposes of joint practice of religion, execution of divine services, devotions and rituals. Religious organizations can carry out activities only after registration with the Ministry of Justice. Any religious activity, including meetings of young people unrelated to worship, by unregistered religious organizations is deemed illegal under article 240 of the Code of Administrative Offences and article 216 (2), part 1, of the Criminal Code. Criminal sanctions carry a fine of between 50 and 100 times the minimum wage, community service, restricted freedom of between one and three years or up to three years' imprisonment.

25. Registration requirements laid down in article 11 of the 1998 Law are rather stringent and complex in its procedure and discriminatory against the majority of religious minorities. The creation of a religious organization requires no less than 100 adult Uzbek citizens domiciled in Uzbekistan who are willing to be identified as founders and to supply their personal details to the authorities. However, the Special Rapporteur was told that the Committee for Religious Affairs had, in some cases, approved the registration of certain religious communities that did not have 100 members.

26. Religious organizations of a relevant confession may create a central body to coordinate its activities if they are registered in at least eight territorial regions of Uzbekistan. The Russian Orthodox, the Baptist Union and the Catholic Church have been able to create such central administrative bodies, while some other religious groups have failed to secure registration even in a single region.

27. Besides those requirements, applicants must obtain written approvals from the district administrations (*Hokimat*) and the neighbourhood committees (*Mahalla*) as well as the concurrence of the Committee for Religious Affairs before they can apply for registration with the Ministry of Justice. Applicants are also required to pay a non-refundable registration fee equivalent to 50 times the minimum monthly wage.

28. Several new and long-standing minority religious groups, such as the Jehovah's Witnesses, reported struggling to obtain registration in several regions despite multiple attempts. They were in despair as their activities were subject to criminal sanctions, hence, de facto deprived of the legal right to worship as provided for in the Constitution. From September 2016 to July 2017, at least 185 police raids on religious meetings and searches of private homes of Jehovah's Witnesses were carried out. Reportedly, 153 individuals were convicted for religious activities, while 148 received fines for administrative offences of up to 100 times the monthly minimum wage and 7 were jailed for religious activities. Even registered Jehovah's Witnesses could face random interrogations or arbitrary arrests and other forms of harassment owing to prejudice against them by the authorities.

29. Some interlocutors also reported that law enforcement officers not only raided meetings of unregistered groups, but also detained their members and confiscated all religious literature. Those detained were often charged with unauthorized religious activity such as worshipping, teaching, proselytizing or possessing unauthorized religious material, and imposed administrative fines. In Uzbekistan, worshipping as a group can only take place in registered premises or one may worship alone in the privacy of one's home.

30. Religious communities are unable to freely buy, build or establish places of worship. Authorities sometimes confiscated or stripped the registration of certain rural mosques, places of worship and religious communities for unspecified reasons. The Special

Rapporteur learned that a registered community is not guaranteed to remain registered, even if it fully complies with the law. That means that, registered or not, religious communities do not feel secure to freely and fully exercise their right to freedom of religion or belief.

31. Under international law, the right to manifest one's faith in public or in private and alone or in community with others is an inherent and inalienable right that is not contingent upon specific State approval or administrative registration. Based on this understanding, registration should be an optional offer by the State to facilitate the operational functions of a religious community but not a mandatory legal requirement to practise or manifest one's religion or belief. In this context, the situation of non-registered religious communities is a litmus test of the normative status of freedom of religion or belief in a country.

B. Proselytism and missionary activities

32. Article 5 of the 1998 Law bans actions aimed at converting believers of one confession to another (proselytism) and any other missionary activity. The authorities explained to the Special Rapporteur that the law does not forbid voluntary conversion of any individual. However, the Government considers the ban on proselytism and other missionary activities necessary to maintain harmony and accord among religious confessions and to protect any claims of religious supremacy or "unethical conversion" through material enticement, which may lead to other social tensions. The Committee for Religious Affairs indicated that all efforts to share or preach one's religion or belief to others outside registered religious premises were prohibited.

33. Article 240, part 2 of the Code of Administrative Offences punishes proselytism and other missionary activities with fines of between 50 and 100 times the minimum monthly wage or imprisonment of up to 15 days. In addition, the same offence may be sanctioned under article 216 (2), part 2, of the Criminal Code with a fine from 50 to 100 minimum monthly wages or arrest and detention of up to six months or imprisonment for up to three years.

34. Members of religious groups that are known for proselytism normally face greater social scrutiny and their neighbours are also more suspicious of their activities. State-controlled and State-influenced media have reportedly accused missionaries of sowing civil discord and called upon all citizens to carry out their "duties" in preventing such groups from destabilizing or endangering their society. Due to the suspicion and prejudice against those who proselytize or conduct missionary activities, the Mahalla and the Committee for Religious Affairs are less inclined to give their written approval for the registration of those religious groups in order to avoid possible tensions in the neighbourhoods. Sensitivity in relation to attempts to convert people from one religion to another appeared varied from a region to another, depending on the local history and context. In general, all types of public manifestations of one's faith risked being viewed as "missionary activities".

35. Officials and other interlocutors acknowledged that voluntary conversion was permitted by law and socially accepted in general. However, it was noted that conversion of an atheist was socially more acceptable than conversion of a person identified with the Muslim community. The Special Rapporteur heard reports about harassment and discrimination faced by Muslim converts to Christianity, particularly from neighbourhood officials, family members and employers. Those persons might experience problems in registering births, deaths and marriages at the local offices, where officials are predominantly Muslim. There was allegedly immense pressure on converts not to go through the baptism rite. Some reported that, as burial grounds are assigned to registered faith communities, the next-of-kin and the religious leaders may raise issues regarding carrying out funeral services in accordance with the rites of the religion to which the deceased may have converted. Others, however, reported that there was collaboration and accommodation among the different faith communities and family members in relation to performing the burial rites of those who had converted.

36. Under international human rights law, the freedom of religion or belief unequivocally includes the right to bear witness to one's convictions, to communicate within and across religious or denominational boundaries and to try to persuade others in a

non-coercive manner. This right also covers missionary activities, which similarly do not presuppose formal State approval, especially when carried out by citizens or permanent residents of a country. This right is also protected under the right to freedom of expression, which includes "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice".[1]

C. Religious education

37. Article 7 of the 1998 Law states that the system of education in Uzbekistan is separated from religion and bans the inclusion of religious disciplines in the curriculum of the educational system. Hence, the State provides only secular education to its citizens irrespective of their attitude toward religion or their beliefs.

38. Article 9 of the 1998 Law bans any form of teaching of religious dogma that is not sanctioned by the State. It provides that the central administrative bodies of religious organizations are entitled to create religious educational institutions to train priests and other religious personnel. Religious educational institutions can only provide training when the Ministry of Justice issues the corresponding licence to them after their registration. Persons teaching religious subjects at religious educational establishments must have a religious qualification and must obtain permission from the appropriate agency of the central administration to carry out their work.

39. The ban on sharing beliefs is reinforced by article 241 of the Code of Administrative Offences and article 229 (2) of the Criminal Code, the latter of which punishes any teaching of religious beliefs without specialized religious education, without permission from the central organ of a registered religious organization or in private. Criminal sanctions range from fines of 50 to 100 times the minimum monthly wage, community service, corrective labour, restricted freedom or imprisonment for up to three years.

40. The ban on the teaching of religious principles privately resulted in many members of religious communities being fined for allegedly "illegally teaching one's religion to another", simply in the context of a few people gathered to discuss their faiths with each other or to exchange ideas on matters of religion. Religion hence became a taboo in conversations as no one wanted to risk being punished for "proselytism" or teaching religious principles in private. Reportedly, some official imams complained that they could not teach Islam to children as all religious education that was not controlled by the State was forbidden.

41. Regarding State-controlled religious education, so far, nine madrasas — equivalent to secondary-level special educational institutions — have been established in Tashkent (Kukaldosh Madrasa and Khadichai Kubro Madrasa (for women)), Bukhara (Mir-i-Arab Madrasa and Djuibory Kalon Madrasa (for women)), Andijan (Sayyid Muhyiddin Makhdum Madrasa), Namagan (Mulla Kyrgyz Madrasa), Kitab (Khoja Bukhari Madrasa), Urgench (Fahriddin ar-Roziy Madrasa) and Nukus (Muhammad al-Beruni Madrasa). In addition, there is a Mir-i-Arab Madrasa for higher education, as well as Tashkent Islamic Institute and Tashkent Islamic University (although, the latter is a secular institution).

42. Graduates of these institutions can work as an imam khatib (chief confessor), an imam, an assistant to an imam or an *otina* (woman conducting religious instruction and religious holiday ceremonies), as well as in spiritual and educational centres in State institutions. According to the officials, clerics from various religions, including the Shia community and the Jewish community, who obtained their qualifications abroad are allowed to officiate within licensed premises.

43. According to official figures, at present, there are a few hundred people studying in those Islamic educational institutions. This number is considerably low for a country with a population of 32.12 million and which is predominantly Muslim. After many years of requests from the public to the Spiritual Administration of the Muslims of Uzbekistan (an official body that controls and administers Islamic activities), 12 religious educational

[1] See International Covenant on Civil and Political Rights, art. 19.

institutions were recently ordered to offer six-month-long paid courses on the Qur'an, the *tajwid* (rules governing the recitation of the Qur'an) and the Arabic language starting from 1 December 2017. The courses will apparently be open for enrolment by more than 700 individuals.

44. The State discourages children under 16 years of age from practising a religion or visiting places of worship. Reportedly, local officials sometimes pressured imams to prevent children from attending Friday prayers, while some students were turned away from Friday prayer services by some authorities, even during school vacations. Both Muslim and Christian parents were discouraged from sending their children to mosque or church services. The extent to which parents were able to organize instruction for children in rituals of religion outside their home appeared to vary across regions and religions.

45. The official view expressed was that children must complete their compulsory education and make an informed choice later if they wish to practise a religion seriously. According to article 9 of the 1998 Law, citizens who leave secondary school may enter a religious institution of higher education or a college, in accordance with the Law on Education. Children do not get any optional religious education in public schools except for some classes providing religious information or "lessons of enlightenment" (study of national culture) in the curriculum; neither do they have other avenues for formal religious instruction, even if their parents may wish so. While the textbooks used for this purpose appeared to teach about religions in a respectful manner, albeit superficially, they did not include reference to Shia Islam for instance.

46. The Special Rapporteur reiterates that the right of parents to provide moral and religious education to their children in accordance with their own convictions and subject to the evolving capacities of the child, is a core element of the freedom of religion or belief as set out in article 18 (4) of the International Covenant on Civil and Political Rights. Any limitation to that right also affects the rights of the religious minorities, as provided for in article 27 of the Covenant and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

47. Public displays of religion are generally not considered favourably. Article 184 (1) of the Code of Administrative Offences and article 216 (1) of the Criminal Code prohibit all persons, other than clergy and individuals serving in leadership positions of officially recognized religious organizations, from wearing religious attire in public places. The authorities often question women wearing the hijab in Fergana Valley and they are allegedly encouraged to remove or alter the way they wear it, preferably in the traditional Uzbek style. In some educational institutions, girls are forbidden to attend classes if they are wearing headscarves. Schools have called parents to interrogate them and girls have been threatened with being placed on a special list by the Mahalla. A teacher was dismissed from her job for wearing the hijab; she allegedly faced continued monitoring by the authorities, was summoned by the police, had her house searched for religious literature and accused of illegally teaching the Qur'an.

48. The limitations occasioned by the registration requirement leave religious communities trapped in a vicious cycle of violations of the law. In order to be registered, religious communities need to have a certain number of believers. However, without the right to share their religion freely with others, it is difficult for religious communities to increase the membership, hence almost impossible to be registered. Without the required registration, religious communities cannot carry out religious activities in groups or in public, neither can they establish a central administrative body to set up religious institutions to allow their members to learn about their religion or be trained as religious personnel. In short, these limitations seriously violate the right to freedom of religion or belief.

V. Fight against extremism

49. The fight against extremism came up in almost every conversation that the Special Rapporteur had with his interlocutors in Uzbekistan. Often, extremism was described by the authorities as the main challenge facing the country, if not the region, and hence justified the need for strict State control of religions and regulation of religious activities in the

interest of "public security". On the other hand, many citizens felt that their right to freedom of religion or belief was restricted and violated in the name of fighting extremism.

50. Campaigns against terrorism and extremism have included the closure of mosques and the arrest of Muslims not associated with terrorist or extremist groups but who simply sought to practise their religion outside of the ways sanctioned by the Government. The expression of deep religious conviction was equally restricted.

51. The Special Rapporteur found that there was no clear definition of extremism, which left its interpretation overly vague. He also found that there was a tendency to associate any form of extremism with religious extremism. The Prosecutor General's Office together with other ministries and agencies prepared a draft law on countering extremism, which defines such concepts as "extremism", "extremist activity" and "extremist organization", among others. Article 5 of the draft law establishes that the main directions for countering extremism are to increase awareness of the law and culture of the population, build resistance against extremism in society and implement measures to prevent extremism. That includes eliminating the root causes of extremism, providing early warning, detecting and curtailing activities of extremism, and ensuring international cooperation in the field of combating extremism.

52. Article 3 of the draft law provides that "extremist activity (extremism)" could be understood as the activity of religious organizations and public associations, mass media or other legal entities, as well as individuals, in planning, organizing, preparing or committing actions aimed at:

- Changing the foundations of the constitutional system, violating the territorial integrity and sovereignty of the country;
- Justifying terrorism or calling for terrorist activities publicly;
- Creating, leading or participating in an organized armed group;
- Organizing and participating in an armed insurrection for extremist purposes; provoking national, racial, ethnic or religious enmity, as well as social strife related to violence or calls for violence;
- Promoting propaganda of exclusivity, superiority or inferiority of a person (or social group) on the basis of social, racial, ethnic, religious or linguistic affiliation or attitude towards religion;
- Violating the rights, freedoms and legitimate interests of a person because of his or her social, racial, national, ethnic, religious or linguistic affiliation or attitude towards religion;
- Obstructing citizens from exercising their electoral rights and the right to participate in a referendum or violating the secrecy of voting, involving or threatening to use violence;
- Obstructing the lawful activity of State bodies, local self-government bodies of citizens, election commissions and other legal entities, using or threatening to use violence against State officials and their close relatives to coerce them into changing the nature of such activities or in revenge for their implementation;
- Crimes based on political, ideological, racial, ethnic or religious hatred or enmity or on grounds of hatred or enmity towards any social group, or out of revenge for lawful actions of other persons, in order to conceal another crime or to facilitate its commission;
- Producing, storing and disseminating extremist materials;
- Capturing and assigning power;
- Committing mass riots, hooliganism and acts of vandalism based on political, ideological, racial, national or religious hatred or enmity, as well as on grounds of hatred or enmity towards any social group;
- Creating, leading and participating in an extremist group or organization;
- Producing, storing for the purpose of distribution or demonstration the attributes and symbols of extremist organizations;

- Calling publicly for all the above acts.

53. Those vague provisions cover a wide range of activities that are open to different interpretations, which may restrict rights and freedoms in the name of national security. They are a compilation of various existing provisions in the 1998 Law and the Administrative and Criminal Codes that sanction religious activities in a broad sense. The Special Rapporteur believes that an open consultation on the draft law with relevant stakeholders is important in order to improve the legal framework for combating extremism.

54. The Law on Combating Terrorism of 2000 defines the concept of terrorism. In addition, article 155 of the Criminal Code establishes responsibility for a number of acts of a terrorist nature, such as failure to report information about the preparation or commission of terrorist acts, training, departure or movement for the purpose of carrying out terrorist activities, and the financing of terrorism.

55. The Criminal Code distinguishes between "illegal" (unregistered) groups and "prohibited" groups that are viewed as "extremist". Article 244 (2) of the Criminal Code criminalizes membership in organizations that have been banned as terrorist groups. In a decision adopted on 26 September 2016, the Supreme Court recognized over 20 organizations as being terrorist organizations and their activities have been prohibited in the territory of Uzbekistan.[2]

56. Article 244 (2) of the Criminal Code allows criminal prosecutions without a previous prosecution under the Code of Administrative Offences and punishes anyone for organizing or participating in the activities of religious extremist, fundamentalist, separatist or other prohibited groups with up to 20 years' imprisonment.

57. The Special Rapporteur observed that the right to freedom of religion or belief in Uzbekistan was not seen as inherent in each individual but rather "permitted" by the goodwill of the State. Instead of confining limitations to the minimum or as last resort, the State employs broad intervention and control measures. However, international human rights law gives clear guidance in this respect. Limitations to freedom of religion or belief cannot be legitimate unless they cumulatively meet the criteria set out in article 18 (3) of the Covenant. Accordingly, limitations must be legally prescribed; they must be clearly necessary for pursuing a legitimate aim; and they must remain within the realm of proportionality, which means they must be confined to the minimum degree of interference needed to reach one of the legitimate aims. In addition, limitations must not be discriminatory.

58. The right to freedom of religion or belief cannot be sacrificed in order to prevent or counter extremism. Doing so would further shrink, rather than open, the space necessary for civil society to flourish and develop as envisaged in the current reform efforts of the President of Uzbekistan. The Special Rapporteur notes, however, the important investment devoted to raising awareness among the youth through education and media engagement, as well as recent initiatives focusing on opening up education on religion to a wider spectrum of the population.

A. Monitoring incentives and mechanisms

59. In Uzbekistan, the exercise of freedom of religion and belief is totally controlled by the State. The National Security Service openly and secretly carries out surveillance of all religious communities. Mahallas play a monitoring role in the everyday life of the citizens. They are self-governing bodies organized at the neighbourhood level with volunteers, which cover all social issues ranging from family, youth, women, sports and the elderly to veterans.

[2] Those organizations are Akromiya, the Islamic Movement of Turkestan, the Islamic Jihad Group, Hizbut-Tahrir al Islami, Al-Jihad, Al Qaeda, World Jihad Foundation, the Muslim Brotherhood, Jamiyati Islomi Tablig, Jamaat-e-Islami-i-Pakistan, East Turkistan Liberation Organization, the Islamic Movement of East Turkestan, Boz Gurd, Abu-Saif Group, Jamiat-el Iema-i-Isla, Islamic State, Tahvidva Jihad, Katibatul Imam al-Bukhari, Jamoat Ansarulloh, Dzhebhat al-Nusra, Jihadists and Nurchilar.

60. Mahallas set up family clinics which give advice on marriage, regularly visit households to identify problems, including teenagers and carry out early intervention in various situations. They also help the authorities to keep an eye on everyone in the neighbourhood and report as they find fit. Currently, there are also Prevention Officers (full-fledged agents of the Ministry of the Interior) permanently stationed in each Mahalla. Although, Mahallas are theoretically independent, many have indicated that, in practice, they are under State control, and are another State monitoring mechanism or at least an extension thereof.

61. In 2014, former President, Islam Karimov, signed the Law on Prevention of Violations of the Law (hereafter, the "Prevention Law") that gave wide-ranging powers to State bodies, including Mahallas, non-State and non-commercial public organizations to be further involved in combating suspected "antisocial activity" in cooperation with the police. The activities monitored included those of unregistered religious organizations and the exercise of the right to freedom of religion or belief without State permission, to ensure the compliance of citizens with the 1998 Law and prohibit the propagation of religious views.

62. The Prevention Law also created the Preventive Register. Article 29 of the Law specifies the "prevention measures" to be used, including prophylactic talks, official warnings, social rehabilitation, placing on the Preventive Register, referral for compulsory treatment and administrative supervision. In addition, article 34 states that those on the Preventive Register are subject to a range of "preventive measures" by the police aimed at "correcting them and warning against the conducting of repeat offences". The Law automatically places those convicted by the courts as well as those convicted of a wide range of administrative offences on the Register for one year or more. A person will be recorded for each separate crime or offence on the Register. Under article 31 of the Law, a person is required to sign any written warning issued to them. The person's employer, educational establishment and the Mahalla where they live may also be informed.

63. Many State bodies could place individuals on the Preventive Register, which has led to possible abuse of the Register as people may arbitrarily be put on the Register for many years, with or without notification. The Mahallas apparently pay particular attention to advocates of new strains of Islam. In some cities, the Mahallas allegedly collected information about the residents' religious practices and beliefs, including whether or not the person had a beard, with whom they gathered and spoke about, and who had taught them or their children about Islam.

64. At its peak, the Preventive Register had over 17,000 persons, although the number has now been reduced, as part of the reform measures initiated by the President, to just over 1,000. In June 2017, the President ordered the review of individual cases of detention of persons in custody and at least 16,000 people were removed from the Register. The Special Rapporteur welcomes the removal of those people and urges the Government to discontinue the practice of putting people on the Preventive Register or any "supervision" list. It was also encouraging to see that the Government had embarked on a programme of reintegration into the community those citizens who had been stigmatized or ostracized for alleged religious extremism.

65. Approximately six million Uzbekistan citizens who work abroad, mostly in Russia and Turkey, are also subject to State monitoring or surveillance. Many interlocutors, both State officials and civil society, expressed concern that most of those young people were vulnerable to radical Islamic preaching owing to their poor understanding of religions and their expatriate status. The authorities informed the Special Rapporteur that a programme was underway to address those concerns, which involved sending officials abroad to provide information on Islamic teachings, so as to prevent the young people from being influenced by radical ideas and groups. Others expressed concern that this was yet another way of monitoring the activities of nationals abroad as well as their families back home. Nonetheless, the Special Rapporteur welcomes the opening of consulates in areas that have many migrants in order to provide better support for migrant workers in difficulty.

66. However, the monitoring of citizens by the State, in addition to the use of overly broad definitions of extremism, is rather worrying. Not only do these preventive and

monitoring mechanisms demonstrate a lack of respect for the right to privacy and reveal a deficit of trust in its own citizens, but concerns have also been expressed against the overly intrusive surveillance measures by the National Security Service. The Special Rapporteur was also concerned to learn about the different "supervision" lists maintained by different government agencies; it was unclear to him how many registers and "watch lists" currently existed.

B. Religious detainees

67. The number of detainees imprisoned on vague charges relating to "religious extremism", "anti-constitutional" activity or membership in an "illegal religious group" — also known as "religious detainees" — is unconfirmed. The estimate ranges between 5,000 and 15,000 individuals, while the official data is unknown. Thousands of Muslims have allegedly been imprisoned on accusations of belonging to terrorist, extremist or banned organizations or exercising the right to freedom of religion or belief. It is hard to know whether those detainees were indeed involved in violence or other crimes or whether they were only "guilty" of taking their faith seriously.

68. The Special Rapporteur heard of individuals being randomly arrested at gatherings in tea houses or on the streets and charged under articles 159 (infringements or overthrowing of the constitutional order of the Republic of Uzbekistan) and 244 (2) (creation, leadership or participation in religious extremist, separatist, fundamentalist or other prohibited organizations) of the Criminal Code, which are both punishable with imprisonment of 10 to 20 years. Some were also charged under article 216 (illegal establishment or reactivation of illegal public associations or religious organizations and active participation in their activities), which is punishable with imprisonment of up to five years.

69. The Special Rapporteur also received reports that many religious detainees have had their terms arbitrarily extended by the prison administration for additional periods of one to three years, sometimes repeatedly for alleged violations of internal prison rules (article 221 of the Criminal Code). In some cases, the cumulative extended terms were longer than the original sentence. Furthermore, he received reports of religious detainees suffering from beatings, mistreatment, torture and denial of the right to practise their religion in custody. Some prisoners who tried to exercise their freedom of religion or belief while in detention were reportedly punished for openly praying. Reading the Qur'an, Bible or other religious literature was also banned.

70. Families, especially mothers and wives of religious detainees, complained of their breadwinners being imprisoned for a long time. Some lamented the arbitrarily extended prison terms, while others expressed their feelings of injustice, as there is no alternative mechanism to address their grievances. Some families faced difficulties visiting prisoners (maximum of three days allowed per visit, but most of the time, that is reduced to one day or half day) and letters or food to prisoners were sometimes blocked. Health facilities in some prisons were reportedly limited, hence there was a lack of medicine for prisoners.

71. Many prisoners reportedly did not have access to lawyers or were pressured to plead guilty, while most lawyers were unwilling to take up the cases of religious detainees, as they are considered difficult. Many prisoners complained of unfair trials, in which officials who violated the law or abused their power were never prosecuted or punished. Despite some judicial reform efforts, the challenges in the judiciary system, including the independence of judges and lawyers, remain a concern. People sometimes resorted to paying bribes to officials in order to resolve the cases of their family members.

72. During his mission, the Special Rapporteur visited Jaslyk Prison, which, according to the prison administration, housed about 700 inmates. He spoke with a number of inmates, including a few in private. The warden told him that the inmates were free to practise their faith so long as their practices did not violate internal prison rules, regulations and strict schedules. The prison authorities cited the secular commitment of the Constitution as grounds for not giving any special dispensation for practice of one's faith. For example, during Ramadan, prisoners who wished to observe the fast were free to retain

some items of food from their regular meals or the food that their families may have brought for them, but the prison would not serve them additional meals before dawn (*sahur*) before they started their fast nor adjust meal times to accommodate the evening meal (*iftar*) outside the regular prison schedule. Muslim prisoners were allowed to pray within the limit of the internal rules, such as in bed without waking other inmates. The prison authorities also stated that imams and representatives of other religions were invited to give talks to the inmates. However, the Special Rapporteur observed that there were no prayer rooms in the prison.

73. The prison authorities maintained that prison officers are trained on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Since the ongoing reforms, they also seemed to be making considerable efforts to the rehabilitation of prisoners, especially those who were convicted on alleged religious extremism. Some prisoners were also offered opportunities for early release or amnesty by proving their remorse and for good behaviour in prison. However, released prisoners reportedly faced challenges of reintegration into society, especially when their civil, political, economic and social rights were not fully reinstated. They remained de facto blacklisting or on some supervision list.

74. There is currently a draft law on public control that would allow Parliament and citizens to supervise the activities of all law enforcement agencies, in terms of protection of human rights and freedoms.

75. Moreover, the President recently established People's Reception Centres throughout the country with the aim of making the Government more accountable and accessible to the people. Citizens now can raise their concerns to the President through the centres and they should usually get a response within a short time. To date, the Government claims to have received about 1,500,000 complaints, of which 80 per cent have been resolved. However, it is unclear whether there were any complaints relating to violation of human rights, such as the right to freedom of religion or belief. The Special Rapporteur was under the impression that most of the complaints were related to the provision of public services.

C. Religious literature

76. Many religious communities felt that their enjoyment of their right to freedom of religion or belief would be better if the possession and use of religious literature were less restricted. The publication, import and distribution of religious literature are strictly controlled under article 19 of the 1998 Law and only the central administrative bodies of registered religious groups can seek permission to print or import religious material. Those are the Bible Society of Uzbekistan, the Muslim Board of Uzbekistan, Tashkent Islamic University, Tashkent Islamic Institute, the Russian Orthodox Church, the Full Gospel Church, the Baptist Church and the Roman Catholic Church.

77. Article 184 (2) of the Code of Administrative Offences bans the illegal manufacture, storage, import or distribution of materials and religious content, and article 184 (3) prohibits the production, storage or distribution of materials propagating "religious enmity", which, if committed repeatedly, entails criminal liability under article 244 (3) with up to three years' corrective labour. The State forbids banned "extremist" religious groups from distributing any type of publication. Persons who distribute leaflets or literature via social networks have been subjected to criminal prosecution and faced prison terms ranging from 5 to 20 years for spreading extremist ideology.

78. Resolution No. 10, adopted by the Cabinet of Ministers on 20 January 2014, states that all "religious materials" imported, produced and distributed in Uzbekistan must first be subject to a State theological review. The resolution defines religious materials as books, magazines, newspapers, brochures, leaflets, audiovisual material (including animated material), CDs, DVDs and materials posted on the Internet that describe the origins, history, ideology, teachings, commentaries and rituals of various religions of the world. Materials in electronic form on all faiths are also targeted. The resolution also outlines the procedures for carrying out the mandatory theological review and tasks the Committee for Religious Affairs with producing an "expert opinion" within 10 days of receipt of religious materials.

79. Various government agencies, including the Ministry of the Interior, the National Security Service, anti-terrorism officials and the Customs Service, reportedly carried out raids of social gatherings and private homes of registered and unregistered religious communities and confiscated religious literature. Illegally imported religious literature and materials and the equipment used to reproduce them were destroyed. Moreover, legally imported or locally produced materials that had been authorized have sometimes been confiscated.

80. Members of the various religious communities are afraid to keep religious literature in their homes. They have sometimes had to destroy their own sacred texts. Until recently, religious literature, except for approved copies of the Qur'an, had to be kept at registered places of worship. Now, Christians are allowed to keep an approved copy of the Bible in their homes. However, neither the Bible nor the Qur'an may be read in a group, unless it is in an authorized place of worship.

81. The State has also intentionally blocked access to several websites that have religious content, including Christian and Islamic-related news. Authorities have frequently seized religious literature from members of religious communities — including registered ones — entering or leaving the country, citing customs violations. Pilgrims returning from Mecca have often had their literature checked and, sometimes, confiscated.

82. Government representatives said that thousands of religious books are published annually in the country, including eight volumes of the Qur'an in Braille, in 2003. Nonetheless, the very requirement of having to obtain permission to import, publish, distribute or simply own religious literature is incompatible with international standards of freedom of religion or belief. As stated earlier, limitations on human rights must be the exception and not the rule. The restrictive provisions also violate the freedom of expression as enshrined in article 19 of the International Covenant on Civil and Political Rights.

D. Muslim pilgrimage

83. The Special Rapporteur received mixed information on the ability of Uzbek Muslims to travel to Mecca for the pilgrimage. Officials stated that the number of pilgrims authorized to go on the hajj was set according to the quota allocated by the Saudi authorities. The quota was increased from 5,000 to 7,500 in 2017 and it is expected to be increased in 2018. However, other people reported that the State imposed severe restrictions on the participation of Uzbek citizens in the hajj. Some claimed that the Saudi authorities had allocated a higher quota than the actual number of pilgrims allowed to travel. The Muftiate reported that 6,000 people travelled to Mecca for the umrah (non-mandatory pilgrimage).

84. Apparently there is an unwritten rule that only people over 40 years may travel to Mecca for the hajj. Some people explained that it was customary for men and women of an advanced age to contemplate going on pilgrimage. Others complained that there was a long waiting list for the pilgrimage and they feared that they would never make it. While there may be regional variations, the national authorities stated that the waiting list was not longer than three years.

85. Those wishing to go on the pilgrimage must apply in writing through their Mahallas, which submit their lists of applicants for the hajj to the local administrations. The applications are then screened by the local administrations, the National Security Service, the Muftiate and the Committee for Religious Affairs, which endorse or reject the applications. The Mahalla then compiles a district-level waiting list of applicants and when the applicants' turn to travel comes up, they are invited to the local district administration to collect certificates concerning their place of residence and health and a reference letter from their local Mahalla.

86. Even successful applications can sometimes be complicated if exit visas are refused or have expired. The National Security Service allegedly maintains an exit blacklist and does not allow some people to leave the country. The Special Rapporteur was told that special instructions or "orientation" were given to successful applicants by the authorities on how to behave on pilgrimage. The organization of the pilgrimage is fully coordinated and undertaken by the authorities and National Security Service officers reportedly accompany the pilgrims to monitor their activities. Although the authorities might argue

that everything is done in the service and security interest of its citizens, the Special Rapporteur would like to point out that undue interference in the freedom of conscience, movement or the right to privacy is incompatible with international human rights law.

VI. Equality in relation to gender and sexuality

87. Gender equality is promoted and guaranteed by the Constitution of Uzbekistan. In its concluding observations on Uzbekistan in 2015, the Committee on the Elimination of Discrimination against Women expressed concern at the persistence of deep-rooted patriarchal attitudes and stereotypes concerning the roles and responsibilities of women and men in the family and in society, which reflected women's educational and professional choices, their limited participation in political and public life, their unequal participation in the labour market and their unequal status in marriage and family relations.[1]

88. For his part, the Special Rapporteur noted that, while interreligious marriage is possible, there is discrimination in some matters relating to religion, such as the absence of public places of worship for women and the regulated dress code, such as wearing the headscarf.

89. During the meeting with the Special Rapporteur, the Committee on Women in Uzbekistan indicated that more and more women were raising their voices as they were interested in exercising their agency. It stated that many of the recommendations made by the Committee on the Elimination of Discrimination against Women had been implemented and the State policy has focused on improving women's health, empowering their capacities for employment and upholding women's rights. The action plan with OHCHR that was agreed in May 2017 includes the expansion of women's participation in public administration and the protection of their rights. In addition, Mahallas in the regions have established Working Groups on Women, involving at least 76,000 activists, to address issues relating to women's rights, especially family matters.

90. The Special Rapporteur also learned that there is a law that protects the socioeconomic interests of women as well as draft laws criminalizing non-payment of alimony and increasing the number of centres that provide support to victims of domestic violence. He noted that early marriage was prohibited and efforts have been made to increase awareness among young girls about this. Awards are granted to girls entering higher education and a financial incentive is given to increase entrepreneurship among women.

91. In general, the State does not acknowledge the existence of the lesbian, gay, bisexual, transgender, intersex community. Public officials rarely talk about the community and when they do, deep-seated homophobia is expressed. Article 120 of the Criminal Code criminalizes voluntary sexual intercourse between two male individuals, with imprisonment of up to three years. The Special Rapporteur also received unconfirmed reports of bullying and entrapment of lesbian, gay, bisexual, transgender and intersex persons by some law enforcement officials.

VII. Moving from religious toleration to freedom of religion or belief

92. Although the Constitution of Uzbekistan guarantees freedom of religion or belief, in practice, the manifestation of that freedom is subject to excessive regulations that pit security against freedom. The approach taken by the Government tends to promote "toleration" instead of the positive right to enjoyment of one's freedom. Toleration may be promoted to maintain interreligious harmony, but it fails to guarantee everyone's freedom of religion or belief. The Special Rapporteur acknowledges the absence of religions in the past, but sees an urgent need to increase literacy with regard to religions and religious freedom for all, today.

[1] See CEDAW/C/UZB/CO/5, para. 15.

93. The Special Rapporteur recalls President Mirziyoyev's proposal to the General Assembly to adopt a special resolution on enlightenment and religious tolerance, with the goal of promoting universal access to education, elimination of illiteracy and ignorance. He welcomes the President's announcement to establish the Imam Al-Bukhari International Research Centre in Samarkand and the Centre for Islamic Civilization in Tashkent.

94. Given the importance of deep religious knowledge and understanding for overcoming negative stereotypes and for living together peacefully in a religiously pluralistic society, programmes of religious information should go beyond education in schools and extend to the general population as well. The Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools[4] include criteria that could be used to design programmes to enhance religious literacy beyond public schools. Spreading knowledge and fostering a deeper understanding of religions could help people to build resilience against simplistic "truth claims" and radical slogans. The Special Rapporteur hopes that both of the centres announced by the President will pioneer the promotion of literacy with regard to religions and freedom of religion or belief, especially among Islamic countries, and set a good example to the Central Asian region.

95. The Special Rapporteur stresses that the transition from the "toleration" model to the human rights model with regard to religion or belief cannot be achieved if there is no positive recognition of other rights that are closely linked to religion or belief, such as freedom of expression, freedom of peaceful assembly and association and the right to privacy. Therefore, that shift will require a holistic approach to human rights in legislation and policies.

VIII. Conclusions and recommendations

96. **The citizens of Uzbekistan lived through State-imposed atheism during the Soviet era when religions and religious practices were heavily curtailed. Since its declaration of independence in 1991, religions have re-emerged in the social life of the population, with Islam as the religion of the majority and 15 other religious confessions living together peacefully. Many citizens continue to follow a primarily secular path, adopting the Muslim appellation and identity without the corresponding religious practice. Secularism is upheld in the Constitution but its application attenuates freedom of religion or belief and does not accommodate multiple manifestations of religions or beliefs. Believers have to carefully navigate the boundaries for practising their religions or beliefs or they risk being accused of stirring religious intolerance or, worse, identified with spreading extremism.**

97. **Freedom of religion or belief is guaranteed by the Constitution but is subject to limitations and further regulated by the Law on Freedom of Conscience and Religious Organizations, the Criminal Code and the Code of Administrative Offences. Those laws criminalize unregistered religious activity, require official approval of the content, production and distribution of religious materials and prohibit proselytism and other missionary activities, which is incompatible with article 18 of the International Covenant on Civil and Political Rights. The State bans all religious education that has not been sanctioned by it and parents are deprived of their right to educate their children according to their convictions. Religious pilgrimage is highly regulated.**

98. **(Religious) extremism or radicalization is seen by many as the main challenge for the country, but the concept of extremism is vaguely defined. Undue State control of religions, strict regulation of religious activities and State-imposed "preventive measures" are often justified as necessary to combat "extremism" and protect public security. This has resulted in excessive surveillance of religious activities or practices. The success of these measures, which are deemed necessary by the authorities, is often belied by their human rights cost. Several thousands of people have been imprisoned for up to 20 years on vague charges of "terrorism", "religious extremism", "anti-**

[4] The guiding principles were drafted in 2007 by the Organization for Security and Co-operation in Europe, Advisory Council of Experts on Freedom of Religion or Belief, Office for Democratic Institutions and Human Rights. Available at www.osce.org/odihr/29154?download=true.

constitutional" activity or membership in an "illegal religious group" — longer than the maximum prison term for intentional killing.

99. The Special Rapporteur notes that freedom of religion or belief as a human right inherent to every human being is not recognized in law and in practice. This poses a fundamental challenge for religious freedom in Uzbekistan, especially when the human right to freedom of religion or belief is mainly subordinated to the national or communal interest, and other freedoms are also undermined. He notes that the right to manifest one's faith in public or in private, alone or in a group, is an inalienable right under international law that should not be contingent upon State approval or administrative registration. The right to manifest one's religion includes carrying out actions to persuade others non-coercively about one's religion. State-imposed limitations on freedom of religion or belief cannot be legitimate unless they cumulatively meet the criteria set out in article 18 (3) of the International Covenant on Civil and Political Rights. Furthermore, limitations must not be discriminatory.

100. The Special Rapporteur observes that the Government is implementing a reform programme that could potentially address some of the challenges identified above. Transitioning from a tolerance model to a universal human rights model will be a challenging task. Thus, it is important to ensure that the reform process is participatory, transparent, accountable and sustained with a holistic approach to human rights. What is required is not just the adoption of new laws, but institutional reform backed by a strong political will and a shift in attitude led and encouraged by the Government. It will also require the support of the international community to both the Government and civil society to sustain the momentum.

101. Against this background, the Special Rapporteur recommends that the Government of Uzbekistan:

(a) Encourage open debate on the meaning of secularism to overcome the current restrictive interpretation and attitudes within the administration and law enforcement agencies, whereby manifestations of freedom of religion or belief are strictly monitored and boundaries are regulated. Secular commitments should provide space to positively accommodate religious diversity in society without discrimination or fear;

(b) Follow through on the acknowledgement that the 1998 Law needs substantial revision. A new law on freedom of religion or belief should be fully compatible with article 18 of the International Covenant on Civil and Political Rights. The new draft law should be open to consultations and comments by the public, especially civil society, religious and belief communities and international partners, including the United Nations system;

(c) Make registration optional only to facilitate the operational functions of religious organizations. Procedures should be quick, transparent, fair and without undue bureaucratic complications. Non-registered communities must be able to operate free from discrimination and fear of intimidation. Thresholds for registration at local, regional and national levels should be defined in such a way that minorities can fully operate throughout the country. The ban on proselytism and missionary activities, as well as the practice of licensing the import, publication and distribution of religious literature, should be overhauled;

(d) Provide viable options to religious or belief communities which, for whatever reason, do not have the status of a recognized religious community or do not wish to obtain that status can obtain an alternative form of legal personality that would allow them to carry out important community functions in a suitable manner;

(e) Respect the liberty of parents or legal guardians to provide a religious education to their children consistent with their convictions and the evolving capacities of the child. Adequate infrastructure should be provided to educational institutions and private religious schools and similar institutions must be able to function freely and without undue administrative stipulations;

(f) **Review and revise all provisions relating to freedom of religion or belief in the Criminal Code and the Code of Administrative Offences to conform with article 18 of the International Covenant on Civil and Political Rights and other relevant international human rights standards. Voluntary same-sex relationships should be decriminalized;**

(g) **Review vague definitions of "extremism" as the overly broad range of offences concerning religious activities may have a negative impact on freedom of religion or belief, in conjunction with the freedoms of expression and of assembly. The current definitions should be replaced by clear and narrow definitions. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence[5] can provide practical guidance in that regard. The draft law on countering extremism should be opened to public consultation, comments and debate before its adoption;**

(h) **Review the cases of all persons imprisoned on vague charges of "religious extremism", "anti-constitutional" activity or membership in an "illegal religious group" and release all prisoners of conscience. The arbitrary practice of extending jail terms must end immediately or each case must be subject to a full review with the guarantee of due process. A mechanism for redress and compensation to those prisoners of conscience must also be established and all relevant State institutions and the Supreme Court should ensure that the measures for rehabilitation and reintegration of former prisoners of conscience include immediate and full reinstatement of their civil political and economic social rights;**

(i) **Stop resorting to various intrusive surveillance measures, including inscription on "preventive or supervision" lists by National Security Service agencies, law enforcement officers or Mahalla committees. The practice of randomly putting individuals on a "monitoring" register, often based on unsubstantiated suspicion, should be discontinued and all those currently on the register should be reviewed. Trust-building projects should be implemented among the communities;**

(j) **Encourage the promotion of literacy with regard to religions and freedom of religion or belief through the newly established Al-Bukhari International Research Centre and the Centre of Islamic Civilization. The State should also move beyond the confines of traditional religious or ethnic communities and promote cross-boundary dialogue. The Toledo Guiding Principles should be used to develop religious education programmes and women, including female theologians of different denominations, should play an active role in such dialogue and programmes. That could serve as a signal to further broaden the understanding and acceptance of diversity within society;**

(k) **Further strengthen the institutional setting of human rights protection, for instance, by establishing a national human rights institution that is fully compatible with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);**

(l) **Recognize freedom of religion or belief as an inherent right for everyone, including prisoners. The Nelson Mandela Rules should be consistently applied in all prisons and the Government should ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as discussed.**

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[5] See A/HRC/22/17/Add.4, annex.